

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3526 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI  
and  
Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

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MADHUSHDANSINH BHAVANSINHJI PARPMAR

Versus

RESERVE BANK OF INDIA & ORS.  
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Appearance:

MR SK JHAVERI for Petitioner  
MR HAROOBHAI MEHTA for Respondent No. 1  
MR JD AJMERA for Respondent No. 2  
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CORAM : MR.JUSTICE R.K.ABICHANDANI  
and  
MR.JUSTICE A.R.DAVE

Date of decision: 12/06/2000

## ORAL JUDGEMENT

The grievance of the petitioner is that, though a demand draft was dispatched for the purpose of investment in the National Rural Development Bonds notified by the Central Government in accordance with the provisions of Section 54E(1)(b), the bank had returned the draft exposing the petitioner to the charge of capital gain tax in respect of the transaction in question, which had taken place on 15.10.1969. The learned counsel for the petitioner states that for the Assessment Year 1980-81 which covered the said transaction, the petitioner was already assessed and no capital gain tax was charged in respect of the said transaction. When the assessment has been finalised about 18 years back, there would now be no scope for reopening such an assessment and this aspect is not disputed by the learned counsel appearing for the respondents. We, therefore, find that this petition has become infructuous since there is no scope for the assessment which has been done in respect of the Assessment Year 1980-81 being reopened now.

The petition is, accordingly, disposed of. Rule is discharged with no order as to costs.

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